APPENDIX LII.

[*See* Rule 781.]

ules regulating the grant of leave to— Vide SL/L 129.

(a) officers of Asiatic domicile engaged on contract whether in India or abroad;
nd

(b) officers of non-Asiatic domicile engaged on contract but not specially recruited verseas for service in India.

Where the contract is for one year or less, earned leave admissible will be 1/22nd of the period spent on duty. Though designated earned leave, this y be granted only on medical certificate, and if subsequently it becomes necessary grant the officer further leave, after the earned leave has been exhausted, e on medical certificate may be granted to him subject to the condition that otal period of the two kinds of leave does not exceed 1/11th of the period on duty.

f the officer serves in a vacation department, earned leave will not be missible but he may be granted, if absolutely necessary, leave on medical tificate to the extent of 1/22nd of the period spent on duty.

2. Where the contract is for more than one year but not more than five years, leave on medical certificate may be allowed in addition to earned leave under rule 9 (*a*) of the Revised Leave Rules, 1935, subject to a maximum of four months in all during the period of contract. In addition, extraordinary leave may be granted in special circumstances when no other leave is admissible subject to a total maximum limit of three months in respect of such leave.

If the officer serves in a vacation department, earned leave will not be admissible.

3. Where the contract is for a longer term than five years or an original contract for five years or less is extended so as to make the total period of contract longer than five years, leave admissible to a permanent Government servant under the Revised Leave Rules, 1935, may be allowed, subject to the restrictions that no leave on private affairs will be granted and that the leave on medical certificate will be limited to six months in all. In the case of extension of contract to a period longer than five years the officer will be credited with the earned leave that would have been admissible had the contract been initially one of more than five years diminished by any earned leave already taken, and leave on medical certificate, if any already taken, will count against the six months' limit prescribed.

Note.—Even though under rules 2 and 3, leave on medical certificate as such cannot be taken except in supplement of ordinary leave on average pay earned by duty, there is nothing to prevent an officer from taking ordinary leave on medical grounds, i.e. leave on average pay should be consumed first whether it is on medical certificate or otherwise and the additional leave on medical certificate can be granted only in continuation of the leave on average pay or when no such leave is admissible.

4. Where the contract is for an indefinite period, or an original contract for a definite period is extended for an indefinite period, the leave rules for permanent Government servants in the Revised Leave Rules, 1935, except Rule 15 of those

Rules regulating leave salary, will be made applicable. In the latter case, the officer will be credited with the earned leave that would have been admissible had the contract been initially one for an indefinite period diminished by any earned leave already taken and leave on medical certificate, if any already taken, will count against the limit prescribed in rule 13 of the Revised Leave Rules, 1935.

Exception.—In the case of an officer who was initially engaged on contract from a date prior to 4th August 1931 and has been in service without a break after that date, the ordinary leave rules in the Bombay Civil Services Rules shall be made applicable, if the original contract for a definite period is extended for an indefinite period.

5. In the case of an officer falling under rule 2 above, earned leave may be granted after the expiry of the contract only when it has been applied for during the period of the contract and refused owing to the exigencies of the public service. An officer whose services are dispensed with on grounds of ill-health may be permitted to take all earned leave due to him before his service is terminated.

6. The terms " earned leave ", " leave on medical certificate " and " leave on private affairs " used in the above rules have the same meaning as that assigned to them in the Revised Leave Rules, 1935. The leave salary during leave taken under the above rules will be regulated as follows :—

(*i*) An officer on earned leave is entitled to leave salary equal to his average pay.

(*ii*) An officer on leave on private affairs or on medical certificate is entitled to leave salary equal to half his average pay subject in either case to a maximum of Rs. 750.

Note.—Average pay means the average monthly pay earned during the 12 complete months immediately preceding the month in which the event occurs which necessitates the calculation of average pay.

(*iii*) An officer on extraordinary leave is not entitled to any leave salary.

7. An officer initially engaged on contract becomes subject to the Revised Leave Rules, 1935, in their entirety on his being taken into permanent employment after the expiry of his contract. In such a case the officer will be credited with the earned leave that would have been admissible had his previous duty been duty as an officer in permanent employ diminished by an " earned leave " already taken, and leave on medical certificate, if any already taken, will count against the limit prescribed in rule 13 of the Revised Leave Rules, 1935.

Exception.—An officer who was initially engaged on contract prior to 4th August 1931 and has been in service without a break after that date shall, on being taken into permanent employment, become subject to the ordinary leave rules in the Bombay Civil Services Rules in their entirety.

8. The leave of officers who were engaged on contract before 17th October 1936 and whose contracts have been renewed either before, on, or after that date shall, subject to any special conditions to the contrary in the contract in force previous to the application of this rule, be regulated as follows :—

(*i*) If the officer had been in Government service continuously since 3rd August 1931, his leave will continue, unless otherwise directed by Government, to be

regulated by the rules to which he was subject under the terms of his last contract, provided that if the contract is renewed on or after 17th October 1936, the officer may, at his option, elect to be governed by these rules during the extended contract;

(*ii*) if the officer entered Government service after 3rd August 1931, his leave will be regulated by these rules with retrospective effect from the date of entry into Government service, provided that he may, at his option, continue to have his leave regulated by the rules to which he was subject under the terms of his last contract, but on renewal of the contract on or after 17th October 1936, his leave will be regulated by these rules with retrospective effect from the date of entry into Government service.

Note 1.—An officer who was engaged on contract between 3rd August 1931 and 17th October 1936, but in whose case the leave terms to be sanctioned were not determined pending the revision of leave rules for officer engaged on contract, will have his leave regulated by these rules.

Note 2.—If on applying these rules with retrospective effect to a case covered by clause (*ii*) of this rule, it is found that leave has already been enjoyed according to the terms of the contract in force and the leave or leave salary taken or sanctioned exceeds that admissible under these rules, the excess of leave or leave salary should be authorised.